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IFW

To whom it may concern:

For your review is a copy of letters sent to Dr. Natarajan Ranganathan in reference to his failure to assign co-inventorship on patents 6,706,287 & 7,026,160 to Anthony Macherone and Beena Patel.

Sincerely,
Anthony Macherone

Anthony Macherone, Ph.D.
2401 Stonegate Blvd
Elkton, MD 21921



Dr. Natarajan Ranganathan
4629 West Chester Pike
Newtown Business Center
Newtown Square, PA 19073 USA

August 1, 2006

RE: Patent Numbers 6,706,287 & 7,026,160

Dr. Ranganathan,

One month ago I contacted you concerning the above referenced patents and your omission of assigning me as a co-inventor. To date you have failed to respond. Not only did you neglect my name as a co-inventor but you also failed to assign Beena Patel. May I point out that failure to properly assign as co-inventor(s) all parties that were directly involved in the conception, strategic planning, research and development of aspects of a patent that are used as claims of said patent invalidates the patent. May I remind you of the following citations:

Macherone AJ, Ranganathan N, Patel B, Friedman E. *Bacillus pasteurii*: A Small Microbe with Huge Potential. J. Am Soc Neph. 2002 September

Patel B, Macherone AJ, Marczy J, Pechanyak B, Ranganathan N. Viability of Probiotics in Gastric Juice and Artificial Intestinal Fluid. J. Am Soc Neph. 2002 September

Ranganathan N., Macherone AJ, Patel B, Mehta R, Marczy J, Dickstein J, Friedman E. Urea hydrolysis by *Bacillus pasteurii* in Artificial Intestinal Fluid. In: Proceedings of the 11th International Congress on Nutrition and Metabolism in Renal Disease; 2002 March 29 – 31; Nagoya, Japan

Ranganathan N, Macherone AJ, Patel B, Mehta R, Marczy J, Dickstein J, Friedman E. J. A Novel Probiotic to Augment Kidney Function. In: Proceedings of the 11th International Congress on Nutrition and Metabolism in Renal Disease; 2002 March 29 – 31; Nagoya, Japan

Ranganathan N, Macherone AJ, Patel B, Mehta R, Marczy J, Dickstein J, Friedman E. A Probiotic to Eliminate Nitrogenous End-Products. In: Proceedings of the 11th International Congress on Nutrition and Metabolism in Renal Disease; 2002 March 29 – 31; Nagoya, Japan

Friedman E, Ranganathan N, Macherone AJ, Mehta R, Patel B. Gut-Based Uremia Therapy: Simultaneous Removal of Urea, Creatinine and Uric Acid. J. Am Soc Neph. 2001 Sep;12:71A-72A

Dr. Ranganathan, the intellectual property is, and always should be that of Kibow Biotech. This is not about money. I, as a former employee of Kibow Biotech am not eligible for compensation for work I performed "for hire". This is about the proper and ethical assignment of co-inventorship for all those involved in the work that resulted in the patents. If you fail to contact me by August 15, 2006 and discuss your plans to utilize the Correction of Inventorship mechanisms as set forth in the statutes of US Patent Law I will have no alternative but to:

1. Initiate a dispute of inventorship for the above referenced patents
2. File a motion to change inventorship
3. File the patents to reflect the inventorship of Macherone and Patel
4. Contact Vetoquinol USA and inform them of the dispute

Sincerely,

Anthony Macherone

Attachments: First letter dated June 29, 2006
CC: Licata & Tyrrell P.C., Beena Patel, Ph.D., US Patent office

Anthony Macherone, Ph.D.
2401 Stonegate Blvd
Elkton, MD 21921

Dr. Natarajan Ranganathan
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June 29, 2006

Dr. Ranganathan,

Over these past years I have kept up with the progress of Kibow Biotech and have been pleasantly surprised with the continued success of the organization. I must congratulate you upon your various achievements. That having been said, I must comment on an unpleasant subject. I have read the claims and descriptions contained in United States Patent numbers 6,706,287 and 7,026,160 granted to Ranganathan, et al. on March 16, 2004 and April 11, 2006, respectively. It was disturbing to read words that I spent many Saturdays and evenings throughout 2001 and 2002 writing in an effort to describe research that I was actively engaged in wherein my name was not included as a co-inventor.

All three claims in United States Patent number 6,706,287 and that claimed within United States Patent number 7,026,160 are a direct result of my contributions to the conception and R&D of "Prebiotic and probiotic compositions and methods for their use in gut-based therapies" and "Oral bacteriotherapy compositions and methods". More disturbing is the verbiage within the patents was written by me during my employment at Kibow Biotech in the years 2001 and 2002 - I still have the original electronic documents. Moreover, prior my employment at Kibow Biotech in February 2001, the focus of the organization was on a biopharmaceutical compound that comprised various other sorbents as claimed in United States Patent number 6,706,287 (Ranganathan, et al.) and would require many years and millions of dollars of R&D. It was only after my introduction of Dr. Ara Dermarderosian, Professor of Pharmacognosy at the University of the Sciences at Philadelphia (USP) and our subsequent presentation to the staff at USP did the concept of a nutraceutical develop as the business model of Kibow Biotech - a business model that I wrote. During the years 2001 - 2002 I wrote and published not less than six abstracts in national and international forums that defined the conceptual and R&D efforts performed by me and under my supervision as the Senior Research Associate at Kibow Biotech - all of which are publicly available at www.kibowbiotech.com. Furthermore the literature I wrote and did not publish was used after my leaving the company in nephrology forums and in the patents referenced herein. My efforts and knowledge of the nutraceutical industry and persons knowledgeable in that field changed the direction of Kibow Biotech in 2001 and my skills as an author, as evidenced by your continued use of my work, afforded Kibow the ability to obtain a second SBIR phase I / phase II fast track grant of nearly one million dollars to perform the animal studies you have since completed. My participation in the concept, research and development of the claims in the patents is undeniable and I deserve credit as an inventor as defined within the context of the United States Patent Law.

I have conferred with an attorney and he has suggested that I firstly write this letter requesting that you utilize the mechanisms within the context of United States Patent Law to amend inventorship of the intact patents 6,706,287 and 7,026,160. I am making the assumption that this omission was not a result of malice of forethought and, upon the change in inventorship I will assign ownership to Kibow Biotech and relinquish all ownership rights thus assuring Kibow Biotech's full ownership of the intellectual property.

Sincerely,

Anthony Macherone